

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICHARD A. VAUGHAN AND SIMILARLY SITUATED INDIVIDUALS

Plaintiffs

V.

WHITESTONE REIT

Defendant

NO. _____

JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Richard A. (“Dick”) Vaughan, individually and on behalf of other similarly situated individuals, files this Original Complaint and respectfully asserts as follows:

I. INTRODUCTION

Until January 27, 2012, Richard A. Vaughan dutifully worked for Whitestone Reit (“Whitestone”)—a Houston-based commercial real estate acquisition and leasing company—largely in the capacity of a commercial real estate agent leasing its properties to third parties. Throughout his employment as a commercial real estate agent, Whitestone failed to pay Mr. Vaughan and other similarly situated commercial real estate agents overtime compensation for the substantial weekly overtime hours they worked. Accordingly, this action is designed to remedy Whitestone’s violations of Richard A. Vaughan and other present and former Whitestone commercial real estate agents’ rights the Fair Labor Standards Act.

II. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction under 28 U.S.C. § 1331 and 29 U.S.C. § 216(b) in that claims are asserted under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. section 201 *et seq.*
2. Venue lies in this District pursuant to 28 U.S.C. §§ 1391(b), (c).

III. PARTIES

3. Richard A. Vaughan is a citizen of the United States, residing in Houston, Texas.
4. Defendant, Whitestone Reit (“Whitestone”), is a Maryland corporation headquartered in Houston, Harris County, Texas. Whitestone may be served with process through its following registered agent: CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75230.

IV. FACTS

5. Richard A. Vaughan—who is 66 years old—Richard A. Vaughan was employed by Whitestone—a commercial real estate acquisition and leasing company—in a position titled “Vice-President for Leasing Development” for several years until January 27, 2012.
6. While he held the title of Whitestone’s “Vice-President for Leasing Development,” Mr. Vaughan’s actual job duties and responsibilities were those of a commercial real estate agent tasked with leasing Whitestone’s commercial properties to third parties.
7. Throughout his employment as a commercial real estate agent, Richard A. Vaughan regularly worked more than forty (40) hours in workweeks.
8. Despite Richard A. Vaughan working substantial overtime hours, Whitestone willfully and in bad faith refused to pay Mr. Vaughan one and one-half times his regular rate of pay for such overtime hours.
9. Whitestone’s violation of Mr. Vaughan’s rights under the Fair Labor Standards Act has caused Mr. Vaughan significant economic injury.
10. During Mr. Vaughan’s employment and continuing until the present time, Whitestone willfully

and in bad faith refused to pay other similarly situated commercial real estate agents one and one-half times their regular rate of pay for weeks in which they worked more than forty (40) hours.

11. At all relevant times, Whitestone acted in bad-faith, knowingly, and willfully in failing to pay Mr. Vaughan and other similarly situated commercial real estate agents mandatory overtime compensation, as alleged herein.

12. During Richard A. Vaughan's employment by Whitestone and continuing until the present time, Whitestone was and remains an enterprise engaged in commerce.

Plaintiff, Richard A. Vaughan, incorporates by reference herein the allegations contained in paragraphs 1 through 12, *supra*, and further avers as follows:

FIRST CAUSE OF ACTION

13. Whitestone Reit violated Richard A. Vaughan and other similarly situated commercial real estate agents' rights under 29 U.S.C. § 201 *et seq.* (as made actionable by 29 U.S.C. § 216) by willfully and in bad faith failing to pay them overtime compensation for work in excess of forty hours during a workweek.

Accordingly, Plaintiff, Richard A. Vaughan, respectfully move this Honorable Court, after trial by jury on all issues so triable, for the following relief:

1. Declaratory Judgment that Whitestone violated his rights under the Fair Labor Standards Act;
2. Back pay and benefits;
3. Actual Damages;
4. Liquidated Damages;
5. Reasonable attorney's fees and costs;
6. Pre-judgment and post-judgment interest; and
7. All other relief, whether at law or in equity, to which he is justly entitled.

Respectfully submitted,

/s/ Scott Newar

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